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UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: B. Fubara

Art Unit: 1615

Re: Application of:

Chih-Ming CHEN, et al.

Serial No.:

09/726,193

Filed:

November 29, 2000

For:

**CONTROLLED RELEASE
METFORMIN FORMULATIONS**

AMENDMENT UNDER 37 C.F.R. §1.116

BOX: AF

Assistant Commissioner for Patents
Washington, D.C. 20231

December 16, 2002

Sir:

In response to the Office Action mailed on July 15, 2002 in the above-referenced application, please amend the application as follows:

IN THE CLAIMS:

Please **cancel** claim 5 without prejudice.

Please **amend** the claims as follows without prejudice:

1. (Amended) A sustained release pharmaceutical formulation comprising metformin or a pharmaceutically acceptable salt thereof, wherein said formulation provides therapeutic plasma levels of said antihyperglycemic drug to a human patient over a 24 hour period after administration to said patient.

2
3. (Amended) The sustained release pharmaceutical formulation of claim 1 wherein the bioavailability of the metformin is increased by the presence of food.